

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 03-380-C)

In re Application of:)
)
Scott A. Rosenberg)
) Group Art Unit: Not Assigned
Serial No.: 10/033,401)
) Examiner: Not Assigned
Filed: December 26, 2001)
)
For: Advertisements in a Television)
Recordation System)

FACSIMILE TRANSMITTAL LETTER

Commissioner for Patents
Office of Initial Patent Examination
P.O. Box 1450
Alexandria, VA 22313-1450

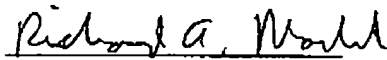
Fax (703) 746-9195

No. of Pages: 17
Including this Transmittal Letter

Sir:

In regard to the above identified application:

1. We are transmitting herewith the attached:
 - a) Third Request for Corrected Filing Receipt (with Exhibits A through D)
 - b) Power of Attorney Filed June 12, 2003 with return postcard
3. Please charge any fees or credit overpayment to Deposit Account No. 13-2490.
4. CERTIFICATE OF TRANSMISSION UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 746-9195) on this 5th day of May, 2004.


Richard A. Machonkin
Reg. No. 41,962

McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Drive
Chicago, Illinois 60606
Telephone: 312-913-0001
Facsimile: 312-913-0002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 03-380-C)

In re Application of:)	
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Scott A. Rosenberg)	
)	Group Art Unit: Not Assigned
Serial No.: 10/033,401)	
)	Examiner: Not Assigned
Filed: December 26, 2001)	
)	
For: Advertisements in a Television)	
Recordation System)	

THIRD REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents
Office of Initial Patent Examination
P.O. Box 1450
Alexandria, VA 22313-1450

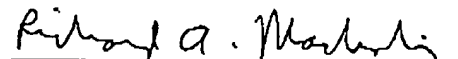
Dear Sir:

An error in the named Applicants was discovered in the Filing Receipt of April 24, 2003 (Exhibit A). The Applicants are listed as "Scott Rosenberg, Somerville, MA; Denise Gurer, Scotts Valley, CA; Elaine Lusher, Pleasanton, CA". The correct Applicant should be **Scott A. Rosenberg, Somerville, MA** as evidenced by the Filing Receipt mailed January 24, 2002 (Exhibit B) and the Combined Declaration and Power of Attorney executed December 26, 2001 (Exhibit C) included with the Response to Notice of Missing Parts of Applicant filed on February 19, 2002. Applicant believes that Denise Gurer and Elaine Lusher were added as inventors in error by the Patent Office.

Please issue a Filing Receipt correcting this error. A Power of Attorney naming the undersigned as attorney was filed on June 12, 2003 (a copy of which is attached as Exhibit D).

Date: May 5, 2004

Respectfully submitted,



Richard A. Machonkin
Registration No. 41,962

McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Drive, 32nd Floor
Chicago, IL 60606
(312)913-0001

RECEIVED



APR 28 2003

FENWICK & WEST LLP

 Commissioner for Patents
 Washington, DC 20231
 www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/033,401	12/26/2001	2615	1290	22407-05674	5	20	8

CONFIRMATION NO. 1472

00758

 FENWICK & WEST LLP
 SILICON VALLEY CENTER
 801 CALIFORNIA STREET
 MOUNTAIN VIEW, CA 94041

REPLACEMENT FILING RECEIPT



0000000009905585

Date Mailed: 04/24/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)
 Scott A. Rosenberg, Somerville, MA;
~~Denise Guror, Seattle Valley, CA;~~
~~Elaine Lusher, Pleasanton, CA;~~
Domestic Priority data as claimed by applicant
 This application is a CIP of 09/978,144 10/15/2001
 and claims benefit of 60/258,671 12/27/2000
Foreign Applications

If Required, Foreign Filing License Granted: 01/24/2002

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Advertisements in a television recordation system

Preliminary Class

386

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/033,401	12/26/2001	2615	1160	22407-05674	5	20	8

00758
FENWICK & WEST LLP
TWO PALO ALTO SQUARE
PALO ALTO, CA 94306

RECEIVED

JAN 28 2002

FENWICK & WEST LLP

CONFIRMATION NO. 1472

FILING RECEIPT



OC00000007356361

Date Mailed: 01/24/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Scott Rosenberg, Somerville, MA;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CIP OF 09/978,144 10/15/2001
WHICH CLAIMS BENEFIT OF 60/258,871 12/27/2000

Foreign Applications

If Required, Foreign Filing License Granted 01/24/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Advertisements in a television recordation system

Preliminary Class

386

PTO/SB/01 (6-95) (modified)
 Approved for use through 10/31/96 OMB 0651-0032
 Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

0010/PTO Rev. 6/95	U.S. Department of Commerce Patent and Trademark Office	Attorney Docket Number 22407-05674	
COMBINED DECLARATION (37 CFR 1.63) AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION		First Named Inventor Scott Rosenberg	
		COMPLETE IF KNOWN	
		Application Number 10/033,401	
		Filing Date December 26, 2001	
		Group Art Unit 2615	
<input type="checkbox"/> Declaration Submitted with Initial Filing OR <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing		Examiner Name Unassigned	

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Advertisements In A Television Recoradation System

the specification of which

(Title of the Invention)

☐ is attached hereto

OR

☒ was filed on December 26, 2001 as United States Application Number 10/033,401.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations. § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 (a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365 (a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

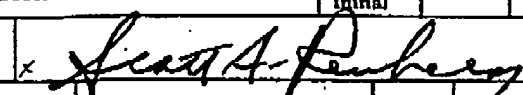
Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority sheet attached hereto:

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental sheet attached hereto.
60/258,671	12/27/2000	

22407/05674/DOCS/1232539.1

DECLARATION				Page 2	
<p>I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.</p>					
U.S. Parent Application Number	PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)		
09/978,144		10/15/2001			
<input type="checkbox"/> Additional U.S. or PCT international application numbers are listed on a supplemental priority sheet attached hereto.					
<p>As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:</p>					
Name		Registration Number	Name		Registration Number
Laura A. Majerus, Robert R. Sachs		33,417 42,120	Rajiv P. Patel Daniel R. Brownstone		39,327 46,581
<input type="checkbox"/> Additional attorney(s) and/or agent(s) named on a supplemental sheet attached hereto.					
<p>Please direct all correspondence to:</p> <p style="text-align: center;">Laura A. Majerus Fenwick & West LLP Two Palo Alto Square Palo Alto, CA 94306 U.S.A.</p>					
Telephone		(650) 858-2332		Fax	(650) 494-1417
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>					
Name of Sole or First Inventor:		<input checked="" type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name	Scott	Middle Initial		Family Name	Rosenberg
Inventor's Signature				Date	2/2/2002
Residence: City	Somerville	State	MA	Country	USA
Mailing Address	119 Prospect Street, Apt. B				
Mailing Address					
City	Somerville	State	MA	Zip	02143
				Country	USA
<input type="checkbox"/> Additional inventors are being named on supplemental sheet(s) attached hereto					

22407/05674/DOCS/1232539.1

Application No.: 10/033,401Docket No.: 22407-05674Applicant(s): Scott A. RosenbergTitle: Advertisements In A Television Recordation System

Please Imprint Patent Office "date stamp" hereon to indicate receipt and return card to addressee.

- | | |
|--|---|
| <input type="checkbox"/> ___ pages of Specification, Claims & Abstract | <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). |
| <input type="checkbox"/> ___ sheets of formal drawings | <input type="checkbox"/> Response to Notice Of Missing Parts |
| <input type="checkbox"/> Provisional Application Cover Sheet | <input checked="" type="checkbox"/> Second Request to Correct Filing Receipt |
| <input type="checkbox"/> New Utility Application Transmittal | <input checked="" type="checkbox"/> Exhibit A Corrected Filing Receipt (copy) |
| <input checked="" type="checkbox"/> Transmittal | <input checked="" type="checkbox"/> Exhibit B Filing Receipt (copy) |
| <input type="checkbox"/> Fee Transmittal (in duplicate) | <input checked="" type="checkbox"/> Exhibit C Combined Declaration and Power of Attorney (copy) |
| <input type="checkbox"/> Declaration | <input type="checkbox"/> Letter to Chief Draftsperson |
| <input type="checkbox"/> Assignment & Recordation Cover Sheet | <input type="checkbox"/> Formal Drawings: ___ sheets |
| <input type="checkbox"/> Power of Attorney | <input type="checkbox"/> Request for Certificate of Correction |
| <input type="checkbox"/> CPA Request Transmittal | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Application Data Sheet | <input type="checkbox"/> Express Mail No. |
| <input type="checkbox"/> Check in the amount of \$ | |
| <input type="checkbox"/> Amendment/Response | |

22407/05674/DOC9/1342431.1

PTO/SB/21 (modified)

Approved for use through xx/xx/xx, OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

0001/PTO Rev. 10/95	U.S. Department of Commerce Patent and Trademark Office	Application Number	Scott A. Rosenberg
TRANSMITTAL FORM (to be used for all correspondence during pendency of filed application)		Filing Date	10/033,401
		First Named Inventor	December 26, 2001
		Group Art Unit Number	2615
		Examiner Name	Not Yet Known
Total Number of Pages in This Submission	10	Attorney Docket Number	22407-05674

ENCLOSURES (check all that apply)	
<input type="checkbox"/> Fee Transmittal Form (in duplicate) <input type="checkbox"/> Check Enclosed <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Response to Notice to File Missing Parts <input type="checkbox"/> Assignment & Recordation Cover Sheet <input type="checkbox"/> Combined Declaration and Power of Attorney <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Information Disclosure Statement & PTO/SB/08A <input type="checkbox"/> Copies of IDS Cited References <input checked="" type="checkbox"/> Second Request for Corrected Filing Receipt <input type="checkbox"/> Request for Correction of Recorded Assignment <input type="checkbox"/> Amendment/Response: [] Page(s) <input type="checkbox"/> After Final <input type="checkbox"/> Status Request <input type="checkbox"/> Revocation and Substitute Power of Attorney	<input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Letter to Chief Draftsperson <input type="checkbox"/> Formal Drawing(s): [] Sheet(s) of Figure(s) [] <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
REMARKS:	

SIGNATURE OF ATTORNEY OR AGENT	
Signature:	<i>Dorian Cartwright</i>
Attorney/Reg. No.:	Dorian Cartwright/Reg. No. P-53,853
Dated:	9/16/03

CERTIFICATE OF MAILING	
I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.	
Signature:	<i>Dorian Cartwright</i>
Typed or Printed Name:	Dorian Cartwright
Dated:	9/16/03
Express Mail Mailing Number (optional):	

22407/05674/DOCS/1332735.1

Hon. Commissioner of
Patents and Trademarks

Serial No. 10/033,401

Atty ERM:cj

Re: Applicant - Scott A. Rosenberg

Case No. 03-380-C

Advertisements in a Television Recordation System

Sir:

Please place the Patent Office receipt stamp hereon and mail to acknowledge receipt of:

- a) Transmittal Letter;
- b) Power of Attorney; and
- c) Asset Purchase Agreement By and Among Sonicblue Inc./ReplayTV, Inc. and Digital Networks North America, Inc.

Fee Enclosed

\$ _____

Date Deposited: June 12, 2003

Respectfully,
McDonnell Boehnen Hulbert & Berghoff
Attorney for Applicant



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 03-380-C)

In re Application of:)
)
 Scott A. Rosenberg) Group Art Unit: 2615
)
 Serial No.: 10/033,401) Examiner: Not Assigned
)
 Filed: December 26, 2001)
)
 For: Advertisements in a Television)
 Recordation System)

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria Virginia 22313-1450

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:


- a) Power of Attorney
- b) Asset Purchase Agreement By and Among Sonicblue Inc./ReplayTV, Inc. and Digital Networks North America, Inc.
- c) Postcard.

2. With respect to fees:

- a) No fee is required.
- b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.

Dated: June 11, 2003

Respectfully submitted,



Eric R. Moran
Registration No. 50,967

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 03-380-C)

In re Application of:

Scott A. Rosenberg

Serial No.: 10/033,401

Filed: December 26, 2001

For: Advertisements in a Television
Recordation System

Group Art Unit: 2615

Examiner: Not Assigned

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST
(REVOCATION OF PRIOR POWERS)

As assignee of record of the entire interest of the above identified

☒ application☐ patent

REVOCATION OF PRIOR POWERS OF ATTORNEY

all powers of attorney previously given are hereby revoked and

NEW POWER OF ATTORNEY

The undersigned hereby appoints all of the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and directs that all correspondence be addressed to that Customer Number:

Customer Number: 020306
Principal attorney or agent: Bradley J. Hulbert
Telephone number: 312-913-0001

Assignee of Entire Interest:

Name: Digital Networks North America, Inc.

Address: 19 Chapin Road

Pine Brook, New Jersey 07058-9777

EVIDENCE AND CERTIFICATION OF CHAIN OF TITLE

☐ Recorded in PTO on _____

Reel _____

Frame _____

☒ Recorded herewith.

ASSIGNEE CERTIFICATION

In accordance with 37 C.F.R. § 3.73 the assignee hereby certifies that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

Date:

6/5/03

Signature

Name: James Hollingsworth

Title: President